

Broken Promises: Sexual Exploitation of Children on Facebook



Facebook says it doesn't tolerate child exploitation on its platform. But federal criminal cases show pedophiles have inundated the social network for years.

Facebook has been widely used by predators to sexually abuse children, according to a new analysis by the Tech Transparency Project, which found hundreds of U.S. cases in which suspected pedophiles used the social network to groom minors and trade images of their sexual abuse.

Following repeated pleas from abuse survivors and their parents, the company has promised to prevent its platform from being used by criminals who target children. "Child exploitation is one of the most serious threats that we focus on," CEO Mark Zuckerberg told lawmakers in October 2019. "We build sophisticated systems to find this behavior."¹

However, the review showed that Facebook's systems are failing to eliminate such abuse. Using a customized code, TTP scanned the text of announcements on the Justice Department's U.S. Attorneys website and collected any that mentioned Facebook. Analysts then identified 366 individual criminal cases involving alleged predators who used the social network for child exploitation, including distributing sexual abuse images, recruiting children and sex trafficking.

In the vast majority of these cases, Facebook didn't provide the initial tip-off to authorities. Instead, officials said they relied on information from the public, leads from other investigations or sting operations to identify suspects.

The cases detailed by the Justice Department took place across the country. They include a Kentucky man accused of sending thousands of messages to multiple children through Facebook; a Rhode Island man who allegedly posed as a teenage girl to lure boys into livestreaming sexual activity on Facebook Messenger; and a convicted Missouri sex offender who allegedly used Facebook Messenger to communicate with a 13-year-old girl.²

Among the top findings from TTP's analysis, which examined Justice Department press releases from January 2013 to December 2019:

- The review identified 366 federal criminal cases over seven years that featured suspects using Facebook for child exploitation.
- It also found such cases are becoming more frequent, from as many as 10 per quarter in 2013 to as many as 23 per quarter in 2019. (During that same period, the number of Facebook users also grew significantly.)

¹ <https://www.bloomberg.com/news/videos/2019-10-23/zuckerberg-in-heated-exchange-says-facebook-working-to-combat-sex-trafficking-video>

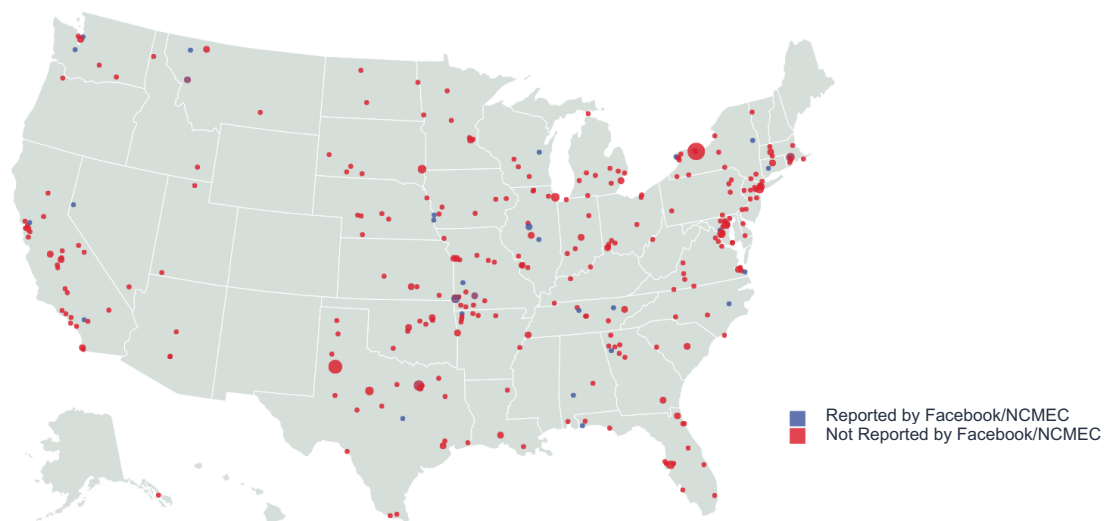
² <https://www.justice.gov/usao-wdky/pr/calloway-county-kentucky-man-charged-multiple-counts-sexual-exploitation-children>

<https://www.justice.gov/usao-ri/pr/cranston-man-facing-10-years-life-prison-enticing-minors-online>

<https://www.justice.gov/usao-wdmo/pr/fulton-sex-offender-pleads-guilty-transporting-13-year-old-victim-missouri-sex>

- Only 9% of the cases were initiated because Facebook or the National Center for Missing and Exploited Children (which receives cyber tips from Facebook) reported them to authorities, raising questions about the effectiveness of Facebook’s monitoring of criminal activity targeting children.
- The number of cases in which Facebook reported child exploitation began to increase following passage of the FOSTA-SESTA law, which for the first time made the company liable to civil penalties for sex trafficking on its platform. This suggests Facebook may have become more proactive due to the potential for litigation, despite its initial opposition to the law.

The Justice Department press releases describe notable cases that have resulted in federal criminal charges or prosecutions; they do not cover all federal investigations or capture violations of state law. The cases reviewed represent the tip of the iceberg of a far larger problem that remains unsolved by Facebook in the U.S. and around the world.



Federal criminal cases across the country have shown suspected pedophiles targeting or abusing children on Facebook. Facebook reported the activity to authorities in less than 10 percent of the cases.

A PERSISTENT PROBLEM

Facebook’s Community Standards ban “content that sexually exploits or endangers children,” and the company has said it makes extensive use of photo-matching technology to identify and prevent sharing of such images.³

³ https://www.facebook.com/communitystandards/child_nudity_sexual_exploitation
<https://about.fb.com/news/2018/10/fighting-child-exploitation/>

“Facebook has been working on this issue for a really long time, because unfortunately, since the inception of the internet, people have been trying to exploit children,” Antigone Davis, the company’s global head of safety, said in a 2018 video.⁴

The social network has worked for years with the National Center for Missing and Exploited Children (NCMEC), a federally funded non-profit organization that tracks child sexual abuse images and shares them with law enforcement.⁵ Facebook has been among the most active tech companies in reporting abusive images to NCMEC, sending nearly 60 million photos and videos to the organization last year, according to *The New York Times*.⁶

But blocking images of abuse is only part of the problem. For years, Facebook’s platform has been used to exploit children in a variety of ways, including grooming or recruiting children for sexual abuse.

Media reports over the years have highlighted major deficiencies in Facebook’s efforts to combat child exploitation—and the company has often resisted working with activists and journalists who’ve identified pedophilic material on the platform.

Mexican human rights activist Lydia Cacho and technology researcher Marcelino Madrigal were part of a team that identified more than 1,400 profiles of alleged child predators on Facebook. Madrigal said in 2011 that the profiles were reported to the company but that many of them reappeared after being taken down.⁷ After the team met with Facebook, the social network deactivated the accounts of half of the researchers, including Cacho, who were tracking the suspected pedophiles, Madrigal said.⁸

Cacho criticized Facebook later that year over the disappearance of her profile and encouraged pressure on Facebook to deal with child abusers. “We are seeing thousands of children—babies from 2 and 3 months old to girls from 7 to 10 years old—that are being sold, and having pictures taken by guys, predators, on Facebook,” she told an audience in New York.⁹ A Facebook spokesman didn’t address the status of Cacho’s profile but said the company doesn’t disable accounts “simply because people are discussing controversial topics.”¹⁰

In October 2015, Facebook entered a high-profile partnership with New York’s then-attorney general, Eric Schneiderman, on efforts to combat child exploitation online.¹¹ Schneiderman’s office said it would work with Facebook to “develop algorithms that will identify evidence of

⁴ <https://www.facebook.com/facebookapp/videos/409069096292549/>

⁵ <http://www.missingkids.com/supportus/partners>

<https://www.facebook.com/notes/facebook-safety/meet-the-safety-team/248332788520844/>

⁶ <https://www.nytimes.com/2020/02/07/us/online-child-sexual-abuse.html>

⁷ <https://www.mmadrigal.com/la-historia-no-contada-sobre-la-lucha-contra-la-pornografa-infantil-y-los-pederastas-en-facebook/>

⁸ <https://www.mmadrigal.com/la-historia-no-contada-sobre-la-lucha-contra-la-pornografa-infantil-y-los-pederastas-en-facebook/>

⁹ <https://www.thedailybeast.com/facebook-takes-heat-from-activist-lydia-cacho-ribeiro>

¹⁰ <https://www.thedailybeast.com/facebook-takes-heat-from-activist-lydia-cacho-ribeiro>

¹¹ <https://ag.ny.gov/press-release/ag-schneiderman-and-facebook-announce-new-partnership-combat-online-sex-trafficking>

trafficking” in online advertisements as well as “missing children who appear in advertisements for commercial sex.”¹²

But Facebook soon faced more evidence of failings in its technology-driven approach.

The British Broadcasting Corporation (BBC) issued a report in February 2016 on Facebook groups where pedophiles openly swapped photos and videos of children. BBC journalists created an alias profile, joined the groups and reported on the prevalence of suggestive and stolen images of children accompanied by obscene comments. In total they reported 20 images to Facebook. The company removed just four images and users took down others, leaving half of them up, according to the report.¹³

A year later, the BBC sought to test Facebook’s claims that it had enhanced its monitoring of such content. The team reported 100 suggestive and stolen child images to Facebook using the platform’s “report” button—and found that only 18 of the 100 images were removed.¹⁴ The BBC also reported the profiles of five convicted pedophiles to Facebook, none of which were taken down.¹⁵ Facebook’s policies state that convicted sex offenders are not allowed on the platform, and the company encourages users to report them when found.¹⁶

When the BBC requested an interview for the follow-up report, Facebook told the reporters that its director of policy, Simon Milner, would agree to an interview on the condition that the media outlet send them examples of the reported content that remained on the platform. When the BBC complied, Facebook reported the journalists to the child exploitation unit of Britain’s National Crime Agency, claiming it was following the “industry’s standard practice.”¹⁷

DOJ DATA SHOW A GROWING PROBLEM

The Justice Department has spent decades monitoring child exploitation and prosecuting pedophiles. The DOJ’s Internet Crimes Against Children Task Forces, created in 1998, have helped to train over 500,000 law enforcement officers and conducted tens of thousands of investigations, according to a fact sheet.¹⁸ Since 2006, the Justice Department has run an initiative called Project Safe Childhood, which aims to “better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims.”¹⁹

¹² <https://ag.ny.gov/press-release/ag-schneiderman-and-facebook-announce-new-partnership-combat-online-sex-trafficking>

¹³ <https://www.bbc.com/news/uk-35521068>

¹⁴ <https://www.bbc.com/news/technology-39187929>

<https://www.facebook.com/help/189165674568397?helpref=search>

¹⁵ <https://www.bbc.com/news/technology-39187929>

¹⁶ https://www.facebook.com/help/210081519032737?helpref=uf_permalink

¹⁷ <https://www.bbc.com/news/technology-39187929>

<https://fortune.com/2017/03/07/facebook-child-pornography/>

¹⁸ <https://www.justice.gov/psc/project-safe-childhood-fact-sheet#internet>

¹⁹ <https://www.justice.gov/psc>

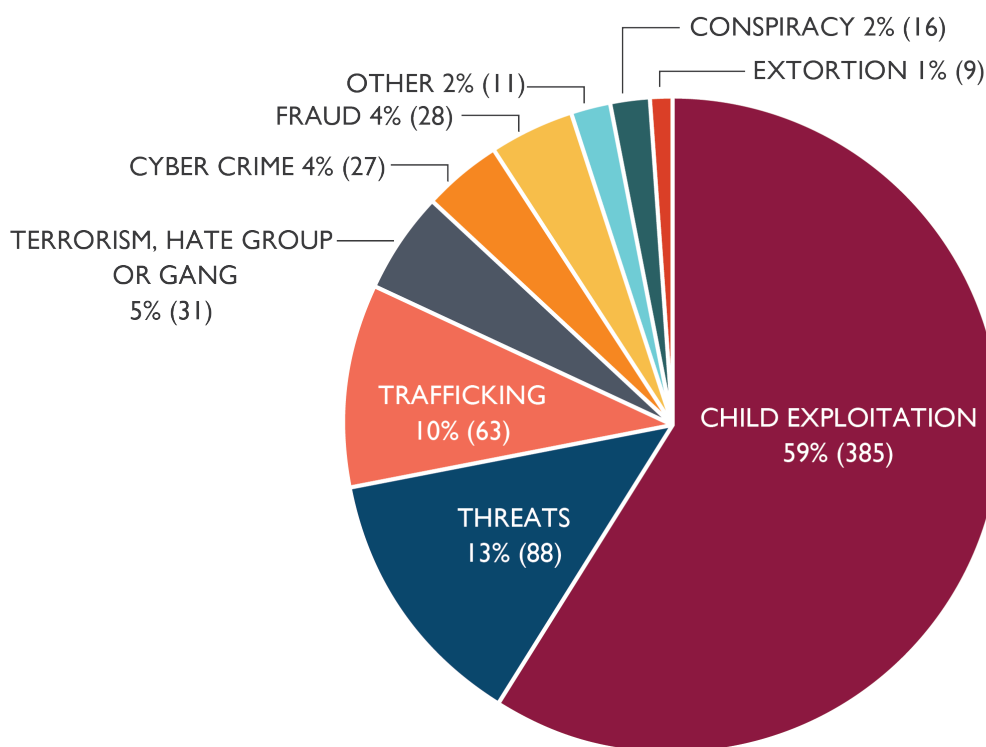
In 2016, a DOJ working group on child exploitation, citing the results of a survey of over 1,000 investigators across federal, state and local government, said Facebook was one of the “most commonly mentioned platforms ... being used by offenders to contact children for sexual purposes.”²⁰

Tech Transparency Project’s analysis helps fill out that picture, through a deep dive into information available on DOJ’s website.

TTP started by reviewing all Justice Department Offices of the United States Attorneys press releases on federal criminal cases from January 2013 through December 2019. It identified cases in which suspects used Facebook for alleged criminal activity, ranging from child exploitation to terrorism to fraud.

Within those cases, which sometimes involved multiple defendants, there were 658 examples of suspects using Facebook. More than half of those instances involved child exploitation, a sign of how prevalent such activity is on the social network.

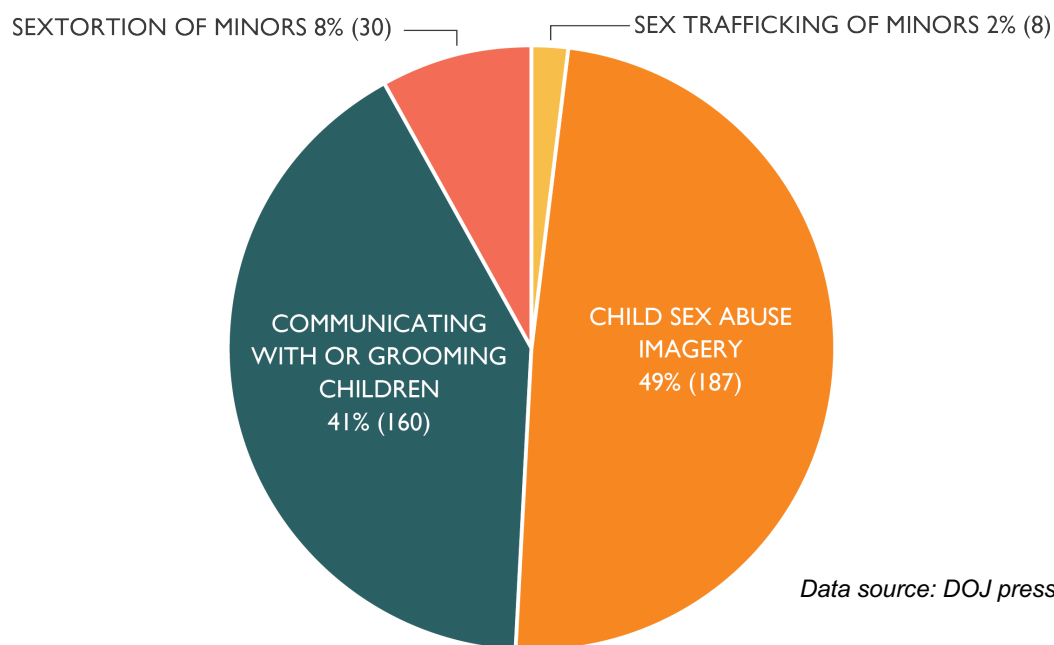
EXAMPLES OF CRIMINAL SUSPECTS USING FACEBOOK 2013-2019



Data source: DOJ press releases

²⁰ <https://www.justice.gov/psc/file/842411/download>

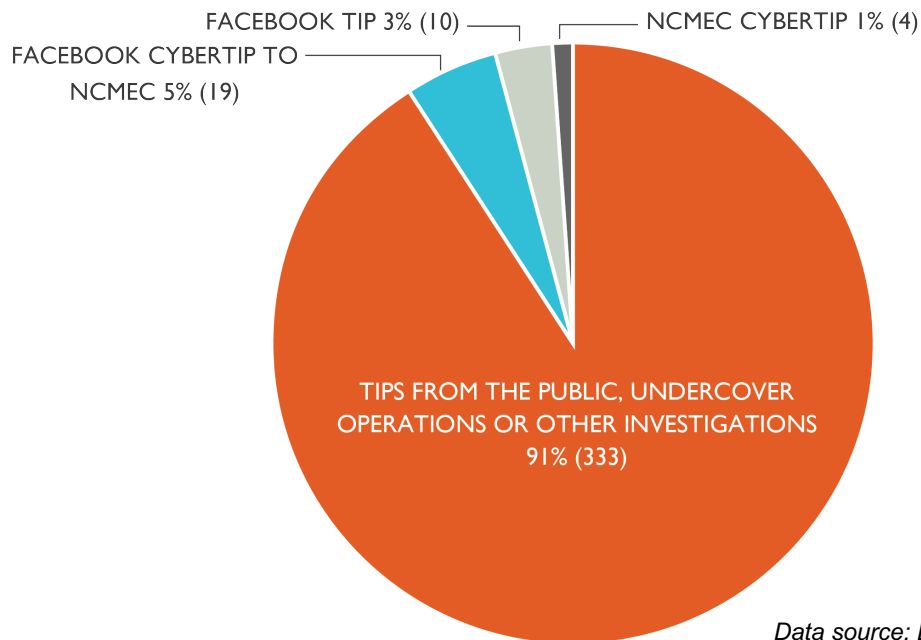
CHILD EXPLOITATION CARRIED OUT THROUGH FACEBOOK 2013-2019



Drilling down into the 385 examples of suspects using Facebook for child exploitation, TTP found that 49% involved creating, distributing or obtaining child sexual abuse images, and another 41% involved communicating with, grooming or recruiting children for sexual abuse.

All of the examples of suspects using Facebook for child exploitation fell into 366 cases (which sometimes covered multiple defendants). The Justice Department's press releases on those cases included information on how the investigation was initiated. The majority of the cases (91%) were initiated by tips from the public, undercover operations or information obtained in ongoing investigations. The remaining 9% state that investigations were the result of cyber tips from Facebook or NCMEC.

ORIGINS OF FEDERAL CRIMINAL CASES INVOLVING FACEBOOK 2013-2019



Data source: DOJ press releases

Many of the Facebook cases identified in the DOJ press releases involved the use of Facebook messaging. Examples range from a man in Hartford, Connecticut, who used Facebook Messenger to send prostitution clients to a 16-year-old girl to a man in Jacksonville, Florida, who sent images of his genitalia to a 9-year-old in messages on Facebook. Another man from Cushing, Oklahoma, received sexually explicit images of a 13-year-old girl and 14-year-old girl through private Facebook messages.²¹

Facebook CEO Mark Zuckerberg announced last year he intends to apply end-to-end encryption to Messenger and integrate it with his company's other messaging services, WhatsApp and Instagram, as part of a new "privacy-focused vision."²² Such encryption is designed to prevent all but the participants from viewing the messages. Those plans have sparked tension with U.S. Attorney General William Barr, who has warned it will severely hinder

²¹ <https://www.justice.gov/usao-ct/pr/hartford-man-guilty-sex-trafficking-minors-child-pornography-offenses>
<https://www.justice.gov/usao-mdfl/pr/jacksonville-man-sentenced-15-years-federal-prison-using-facebook-solicit-child>
<https://www.justice.gov/usao-wdok/pr/cushing-man-sentenced-135-months-prison-obtaining-child-pornography-facebook-and-then>

²² <https://www.facebook.com/notes/mark-zuckerberg/a-privacy-focused-vision-for-social-networking/10156700570096634/>

investigations of child predators and terrorists.²³ Messenger reportedly accounted for over 80% of all child abuse image reports Facebook made to NCMEC last year.²⁴

Facebook has rejected Barr's arguments against encryption, writing to the attorney general in December, "The 'backdoor' access you are demanding for law enforcement would be a gift to criminals, hackers and repressive regimes, creating a way for them to enter our systems and leaving every person on our platforms more vulnerable to real-life harm."²⁵

THE IMMUNITY ISSUE

Facebook and other tech platforms have enjoyed broad immunity from civil litigation for third-party content under Section 230 of the 1996 Communications Decency Act (CDA 230).

That immunity was threatened in 2017 by two federal bills: A House bill, the Allow States and Victims to Fight Online Sex Trafficking Act, known as FOSTA, and a Senate bill, the Stop Enabling Sex Traffickers Act, known as SESTA (together, FOSTA-SESTA). Both sought to create an exception to the immunity granted by CDA 230 for content that facilitates sex trafficking.²⁶

Facebook ramped up its Washington influence operation in an effort to kill the legislation, spending \$11.5 million on lobbying in 2017, nearly \$3 million more than the previous year.²⁷ But as the legislation made its way through Congress with broad bipartisan support, Facebook eventually dropped its opposition, and the final bill passed in March 2018, with President Donald Trump signing the measure in April. Under the new law, Facebook now can be held liable for knowingly facilitating sex trafficking or sexual exploitation of children on its platform.²⁸

TTP's analysis of the DOJ press releases found a marked decrease in child exploitation cases involving Facebook starting in the second quarter of 2017. That trend coincided with the congressional debate over FOSTA, which was introduced in the House in April of that year.²⁹ The frequency of such cases dropped even further starting in the fourth quarter of 2017.

²³ <https://www.justice.gov/opa/press-release/file/1207081/download>

²⁴ <https://www.nytimes.com/2020/02/07/us/online-child-sexual-abuse.html>

²⁵ <https://www.nytimes.com/2019/12/10/technology/whatsapp-barr-encryption.html>

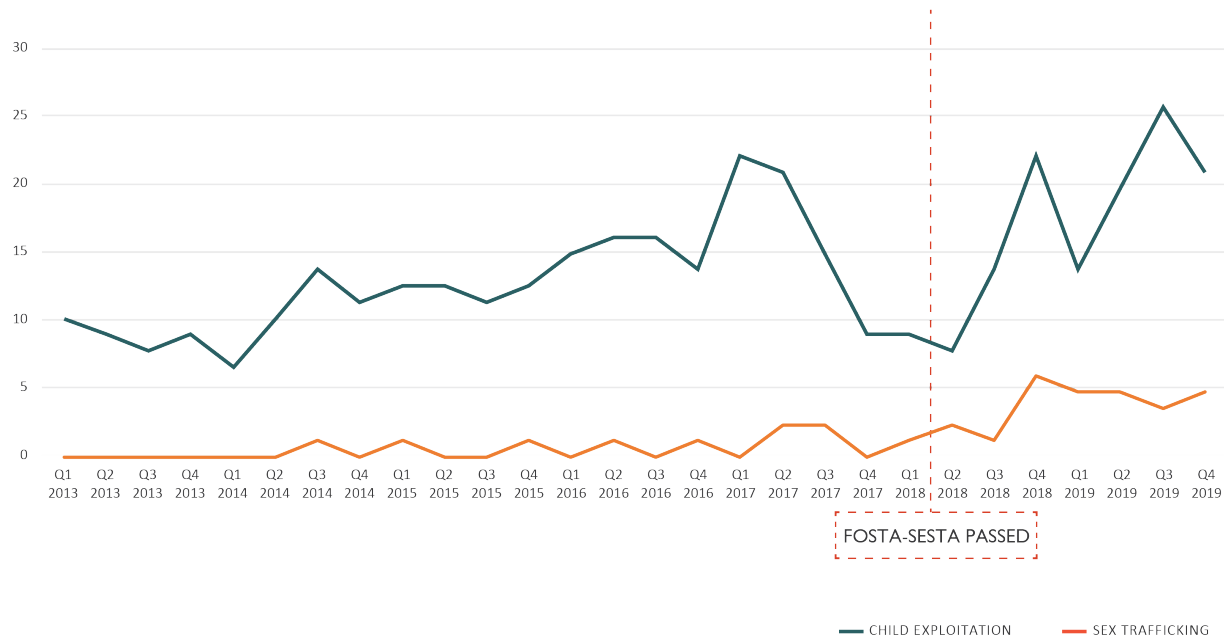
²⁶ <https://www.axios.com/sex-trafficking-bill-hits-a-nerve-in-silicon-valley-1513305065-c08f7f8e-335c-4a11-b470-b990beeb785b.html>

²⁷ <https://www.opensecrets.org/lobby/clientsum.php?id=D000033563&year=2017>

²⁸ https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=115&session=2&vote=00057

²⁹ <https://www.congress.gov/bill/115th-congress/house-bill/1865>

CHILD EXPLOITATION ON FACEBOOK BY QUARTER 2013 - 2019



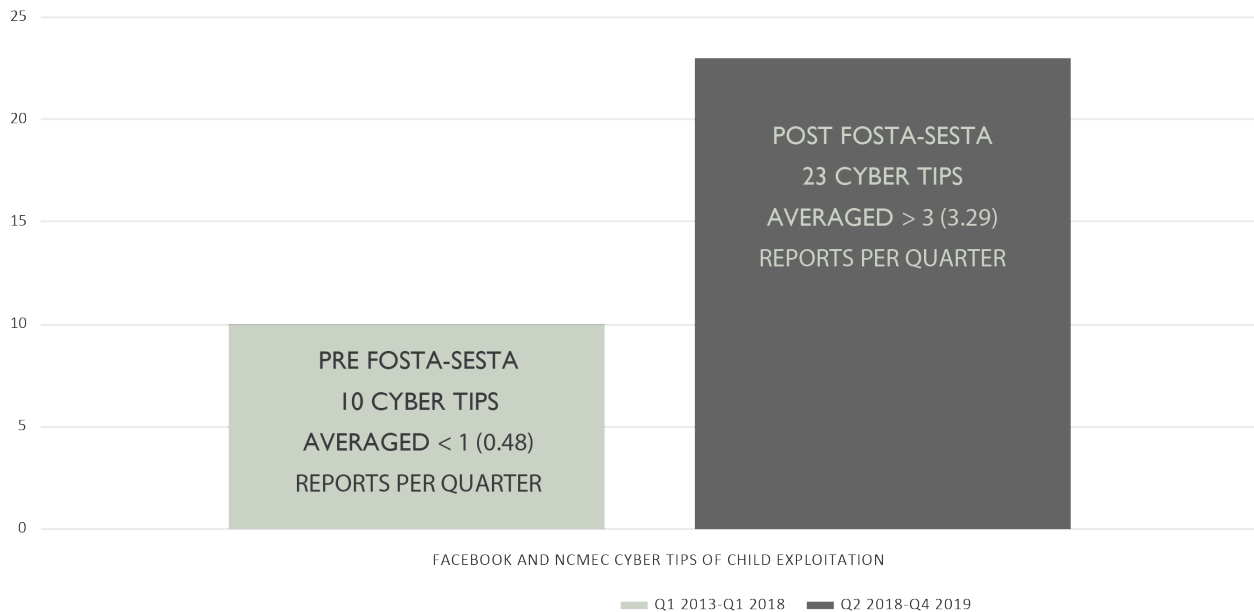
Data source: DOJ press releases

After the bill's final passage, however, the press releases show child exploitation cases involving Facebook began to increase, as did Facebook and NCMEC's reporting of such activity to authorities.

In the five years before the passage of FOSTA-SESTA, Facebook and NCMEC averaged less than one cyber tip per quarter, according to the TTP analysis. Since the bill was passed in March 2018, they have averaged more than three reports per quarter. In total, they reported more cases in the nearly two years since FOSTA-SESTA than they did in the prior five years combined.

The trend line suggests the threat of legal liability under FOSTA-SESTA may be motivating Facebook to increase tips to authorities. But even with the upswing, the number of Facebook tips detailed in the DOJ press releases remains relatively low, and they're limited to child sexual abuse images.

CYBER TIPS OF CHILD EXPLOITATION ON FACEBOOK FACEBOOK AND NCMEC



Data source: DOJ press releases

CHILD ABUSE IMAGES GO VIRAL

In February 2018, one month before the passage of FOSTA-SESTA, child sexual abuse images were still appearing on the platform regularly. One video showing a young girl forced to perform sex acts not only remained active but went viral as it was shared by outraged users who marveled at the video's continued existence on the platform.³⁰ The video continued to circulate on Facebook around the globe for a week after the suspect was arrested.³¹

Facebook said it had zero tolerance for such images, including those shared in protest. The company also noted, as it had previously, that it uses PhotoDNA technology to scan every uploaded image for child exploitation.³²

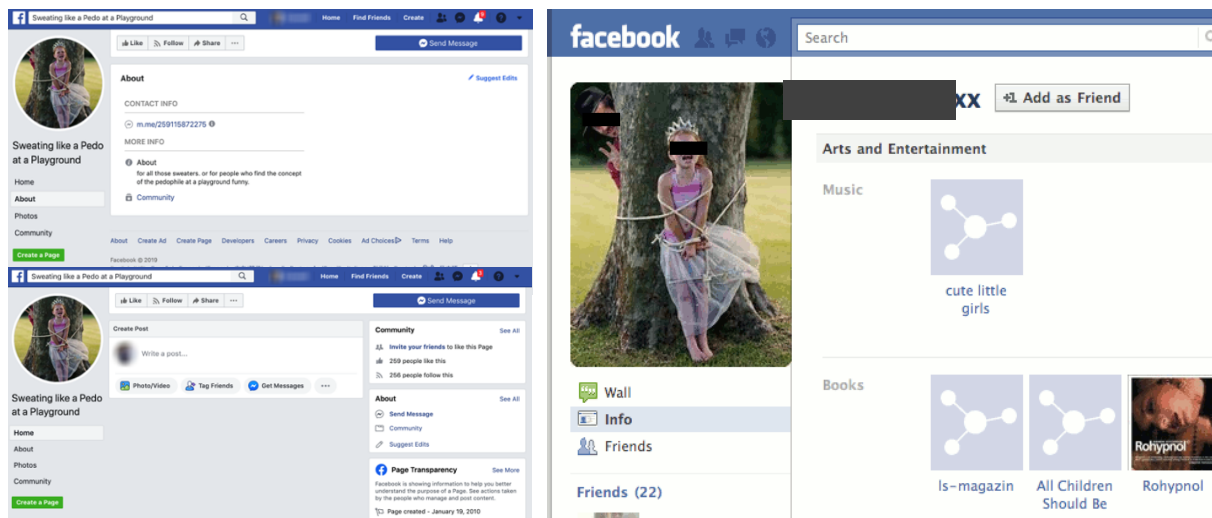
Despite that assurance from Facebook, pedophilic images continue to circulate for years on the platform. For example, one photo of a girl tied to a tree while an adult man lurks behind her, which was flagged by researchers as far back as 2011, can still be found on the site today, nearly a decade later.³³

³⁰ <https://www.wbrc.com/story/37422261/facebook-releases-statement-about-circulating-child-pornography-post/>

³¹ <https://www.washingtonpost.com/news/true-crime/wp/2018/02/06/child-porn-went-viral-on-facebook-and-police-say-its-creator-has-been-charged/>

³² <https://www.wbrc.com/story/37422261/facebook-releases-statement-about-circulating-child-pornography-post/>

³³ <http://facebookwatcher.blogspot.com/2011/03/max-and-gerd.html>
<https://www.facebook.com/Sweating-like-a-Pedo-at-a-Playground-259115872275/>



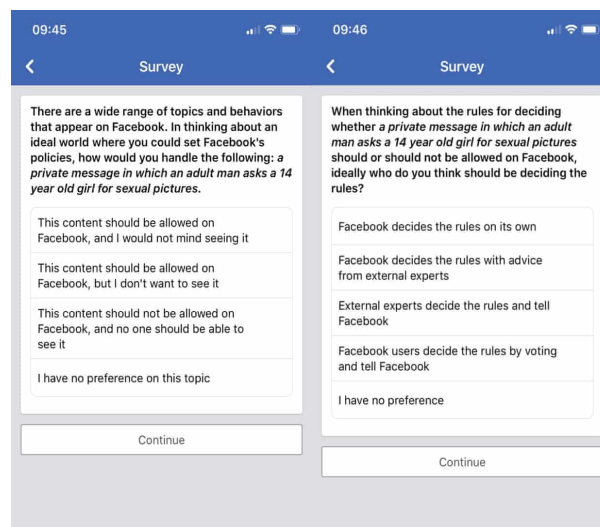
(Left) An active Facebook page with disturbing imagery says it's for "all those sweaters," a reference to pedophiles. (Right) The same image was identified in a profile as far back as March 2011.

Weeks after the viral video of child exploitation, Facebook ran a survey to some users seeking input on policies the company was developing. One question asked users about pedophile grooming behavior and whether or not it should be "allowed" for an adult man to ask a 14-year-old girl to send him sexually explicit pictures.³⁴

Facebook's vice president of product, Guy Rosen, later called the survey question a mistake but did not indicate in his comments how such a question has been approved for the survey in the first place.

"We run surveys to understand how the community thinks about how we set policies," Rosen said in a statement. "But this kind of activity is and will always be completely unacceptable on FB. We regularly work with authorities if identified. It shouldn't have been part of this survey. That was a mistake."³⁵

FOSTA-SESTA was signed into law one month later.³⁶ On October 1, 2018, Facebook was sued under the new law. The suit was brought by an alleged victim who said that at age 15 she was targeted and groomed by a



A 2018 Facebook survey asked whether or not it should be "allowed" for 14-year-olds to share sexually explicit pictures with adult men through Messenger.

³⁴ <https://www.theguardian.com/technology/2018/mar/05/facebook-men-children-sexual-images>

³⁵ <https://www.theguardian.com/technology/2018/mar/05/facebook-men-children-sexual-images>

³⁶ <https://www.congress.gov/bill/115th-congress/house-bill/1865/actions>

sex trafficker using Facebook. The lawsuit accused the company of not doing enough to address sex trafficking on its platform.³⁷

Facebook's response in a written statement followed a now-familiar formula: noting that such content is "not allowed on Facebook" and putting the onus on users to report material through the platform.³⁸ That same month, Facebook released an update on "new technology" to fight child exploitation.³⁹

This week, members of Congress and the Justice Department are expected to introduce new measures to hold tech companies like Facebook accountable for child exploitation that happens on their platforms. In response to the legislative action, a Facebook spokesman said, "We share the ... sponsors' commitment to child safety and have made keeping children safe online a top priority by developing and deploying technology to thwart the sharing of child abuse material."⁴⁰

³⁷ <https://www.apnews.com/600b3b75e3954cd9858435c494ccb963>

³⁸ <https://www.reuters.com/article/us-sex-trafficking-facebook-lawsuit/facebook-responding-to-lawsuit-says-sex-trafficking-banned-on-site-idUSKCN1ME038>

³⁹ <https://newsroom.fb.com/news/2018/10/fighting-child-exploitation/>

⁴⁰ <https://www.washingtonpost.com/technology/2020/03/03/section-230-justice-department-congress/>

APPENDIX

A note on methodology

We collected data for the analysis by writing custom Python code to pull every press release mentioning Facebook from the news section of the Justice Department's Offices of the United States Attorneys website, a page that is updated daily.⁴¹ This process yielded 1,387 press releases mentioning Facebook from January 2013 through December 2019. Analysts then manually reviewed the raw data to eliminate releases that did not address crimes and instead referenced speeches by U.S. attorneys or the DOJ's online awareness efforts. We also filtered out duplicate releases and individual case updates.

The remaining data left 841 cases involving Facebook. Within those cases, 638 featured criminal suspects using Facebook as a means to commit a crime. Refining the batch further, 366 of those cases pertained to child exploitation.

We then geolocated each of those 366 cases using information provided in the press releases and presented the results in the interactive map that accompanies this report. Due to limitations in the visualization tools, the map omits activity that occurred outside of the continental U.S., Alaska and Hawaii.

In some of the cases based on charges of child pornography, Facebook wasn't used to transmit such material, but was instead used to recruit a minor for the purpose of creating sexual abuse images. In such cases, the incidents were marked as "communicating with, grooming or recruiting a minor for sexual abuse."

⁴¹ <https://www.justice.gov/usao/pressreleases>